

## **REMARKS/ARGUMENTS**

### ***Amendments in General***

Applicant has amended claim 1 to add the limitation from cancelled claim 4 that the lip is undercut. Support for this amendment can be found in paragraph [0009] and in claim 4 as filed. No new matter has been added.

Applicant has amended claim 1 to also add the limitation from claim 5 (which is was subsequently cancelled) that the lip have a “generally cylindrical surface profile.” Support for this amendment can be found in claim 5 as filed and in paragraph [0009]. No new matter has been added.

Additionally, claims 6 and 7 have been amended to depend from claim 1 instead of cancelled claim 5.

### ***Claim Rejections - 35 USC § 102***

The Examiner rejected pending claims 1-3, 5-9, 11-13, 16-18, 20, 24 and 25 under 35 USC §102(b) as being anticipated by WO 00/09825 (“Atkins”<sup>1</sup>). Of those claims, claims 1 and 25 are independent. Claim 5 has been cancelled.

Applicant respectfully disagrees with the Examiner’s analysis and stands by its previous arguments while making the following additional arguments.

**Claim 1:** The limitations of cancelled claim 4 and 5 that the lip is undercut and that the lip has a generally cylindrical surface profile have been added to claim 1. *Atkins* does not thusly anticipate because:

- 1) **The lip of *Atkins* is not undercut.** Paragraph [0009] defines “undercut” as “the lip extends radially beyond a side wall of the body in the immediate vicinity of the lip.” *Atkins*’ upper surface of the body member 167 (shown in Fig. 17) is not thusly undercut.
- 2) **The lip of *Atkins* does not have a generally cylindrical surface profile.** While the Examiner has previously argued otherwise, Applicant directs the Examiner to *Atkins*’ Figure 6 and *Atkins*’ description (page 13, line 31 - page 14, line 8).

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<sup>1</sup> Note: The “Atkins” reference (WO 00/09825) is referred to herein as “*Atkins*.” This should not be confused with the fact that the first named inventor on this (10/625,300) application is the same Nicholas Atkins. For sake of clarity, any reference to “*Atkins*” in this Response will be in reference to the “*Atkins*” reference (WO 00/09825) and not to the present application, which will be referred to as the Application.

Viewing that figure and reading that description, it is clear that the equivalent feature to the present “lip” is *Atkins*’ “upper horizontal disc member” 52. Something which is horizontal is not linear. Because of this, *Atkins*’ upper horizontal disc member cannot define the non-linear, generally cylindrical surface of the claims. As such, *Atkins* does not anticipate claim 1 as amended.

Claim 25: With respect to claim 25, the Examiner has indicated that claim 25 is rejected under 35 U.S.C. §102(b) based upon *Atkins*, but has not provided an explanation of the grounds for this rejection. Applicant respectfully asks the Examiner to either provide a detailed rejection or withdraw the rejection.

For these reasons, it is Applicant’s position that the claims are not anticipated by *Atkins* and the Applicant respectfully asks the Examiner to withdraw the rejections previously made.

#### ***Claim Rejections - 35 USC § 103***

The Examiner rejected claims 14, 15, 19 and 25 under §103(a) as being unpatentable (obvious) in view of *Atkins* (WO 00/09825).

Regarding claims 14, 15 and 19. As discussed above, the Applicant has amended claim 1 (from which claims 14, 15 and 19 depend). Amended claim 1, as discussed above, is novel. This renders the §103 rejection of claims 14, 15 and 19 as moot in that the prior art reference (*Atkins*) does not teach or suggest all the claim limitations. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicant requests the rejection be withdrawn.

Regarding claim 25. Claim 25 recites the originally filed features of claims 1, 14 and 15. The Examiner dismisses this combination as being obvious in view of Figures 6 and 17 of *Atkins*. The Examiner states that ridges are taught in Figure 17 of *Atkins*, namely the protrusions (165) mentioned on page 18, line 26 - page 19, line 2. Applicant disagrees. The protrusions shown on Figure 17 are localized radiused protrusions and are, in fact, “**a plurality of vertically projecting ‘O’ ring seals 165.**” See *Atkins*, page 18, line 26 - page 19, line 2 and page 19, line 26 – page 20, line 5.

*Atkins*’ disclosure of a number of localized radiused protrusions is not the same thing as a ridge. The continuous ridges or ribs of the present application serve to increase the friction between the toilet and the lip, and maintain the desired rolling movement of the lip and formation and maintenance of the sealing contact. The use of ribs circumferentially extending around the lip provides the thick points and narrow points on the lip which assist in the rolling action in the desired radial direction. This feature would not be achievable with protrusions, particularly if the protrusions are not aligned.

In that *Atkins* does not teach or suggest all the claim limitations, claim 25 is both novel and non-obvious. *Id.* Applicant requests the rejection be withdrawn.

**CONCLUSION**

Entrance of these amendments as well as the consideration and allowance of the application as amended is respectfully requested. If the Examiner has any questions in regard to this Response, the Examiner is invited to phone the undersigned below.

DATED this 31<sup>st</sup> day of October, 2007.

Very respectfully,

/Stephen M. Nipper/

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I HEREBY CERTIFY that this correspondence is being transmitted to the United States Patent and Trademark Office by EFS-Web on the date below.

DATED: This 31<sup>st</sup> day of October, 2007.

/Julie L. O'Tyson/

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